

FILED

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

APR 27 2022
U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

DAVANTE LINDSEY,)

Defendant.)

4:22CR229 JAR/JMB

MOTION FOR PRETRIAL DETENTION AND HEARING

Comes now the United States of America, by and through its Attorneys, Sayler A. Fleming, United States Attorney for the Eastern District of Missouri, and Jennifer Szczucinski, Assistant United States Attorneys for said District, and moves the Court to order the Defendant detained pending trial, and further requests that a detention hearing be held three (3) days from the date of the Defendant's initial appearance before the United States Magistrate pursuant to Title 18, United States Code, §3141, et seq.

As and for its grounds, the United States of America states as follows:

1. The Defendant is charged with Conspiracy to Distribute More Than 40 grams of Fentanyl, in violation of 21 U.S.C. § 846 and 841(a), Possession of a Firearm in Furtherance of Drug Trafficking, in violation of 18 U.S.C. § 924(c), and Distribution of a Fentanyl, in violation of Title 21, U.S.C. § 841(a). Offenses charged pursuant to 21 U.S.C. § 841(a) and 846 carry a maximum twenty years imprisonment as prescribed under Title 21. Offenses charged pursuant to 18 U.S.C. § 924(c) carry a minimum five-years imprisonment, consecutive to other charges, as prescribed under Title 18. Accordingly, a rebuttable presumption arises pursuant to Title 18, United States Code, Section 3142(e)(3) that there are no conditions or combination of conditions which will reasonably assure the appearance of the Defendant as required and the safety of any other person

and the community.

2. An investigation initiated by the St. Louis Metropolitan Police Department with assistance from the Bureau of Alcohol, Tobacco, Firearms and Explosives revealed that the Defendant, together with the co-defendants and others known and unknown, conspired to distribute and did, in fact, distribute, fentanyl throughout the Saint Louis area. The Defendant and co-Defendant Andre Pearson are the leaders of an organization known as the 55 Boyz. The 55 Boyz is responsible for drug trafficking and gun violence throughout Saint Louis, but predominantly along the Interstate 55 corridor. In this case, the Defendant directed multiple sales of fentanyl, advertised fentanyl sales, and maintains premises used for drug distribution. The Defendant openly boasts of his drug trafficking prowess in social media posts and in rap videos he posts on social media websites. In this case, based on the Defendant's actions and the actions of his co-defendants, the United States believes that unless the Defendant is detained, the organization will continue selling fentanyl and endangering the lives of countless individuals in the Saint Louis area.

3. The Defendant's criminal history reflects that he has multiple felony cases including, but not limited to, the following:

- 1422-CR03372, *State of Missouri v. Davante Lindsey*
Guilty Plea/Sentence Date: February 13, 2015
Count One: Resisting Arrest
Sentence: SIS, 3 years probation
- 1522-CR02014, *State of Missouri v. Davante Lindsey*
Guilty Plea/Sentence Date: February 18, 2016
Count One: Assault Second Degree on a Law Enforcement Officer
Count Two: Resisting Arrest
Count Three: Property Damage First Degree
Sentence: SIS, 3 years probation

4. In 2016, the Defendant was arrested and charged with Murder in the Second Degree in the City of Saint Louis. In that case, the Defendant was charged for his role in setting up a drug distribution in which the person the Defendant sent to sell the drugs killed an occupant in the drug user's vehicle. At the time of his arrest in the murder, the Defendant was in possession of the cellular phone the drug user contacted to purchase narcotics. For reasons unknown to the United States, the case was dismissed in 2019.

5. There is a serious risk that the Defendant will flee, given the Defendant's history of flight from law enforcement, his failure to comply with supervision while on probation, the Defendant's significant ties outside the district, and the potential sentence the Defendant faces in this case. While on probation in Case No. 1422-CR03372, the Defendant committed the offenses charged in Case No. 1522-CR02014. While on probation for both of these cases, the Defendant was charged with murder.

6. The Defendant has significant ties outside the district and travels often. The Defendant recently traveled out of the country to Jamaica and, per his social media, appears to frequently travel to the Atlanta, Georgia area. The Defendant appears to have significant cash assets that would permit easy flight from the district without the ability to closely track the Defendant. As such, the United States believes there are no conditions or combination of conditions that will reasonably assure the Defendant's appearance as required

7. Further, the Defendant's criminal history and the nature and circumstances of the offense charged, reflect that there is a serious danger to the community that would be posed by the defendant's release.

WHEREFORE, the United States requests this Court to order the Defendant detained prior to trial, and further to order a detention hearing three (3) days from the date of the Defendant's initial appearance.

Respectfully submitted,

SAYLER A. FLEMING
United States Attorney

/s/ Jennifer Szczucinski
JENNIFER SZCZUCINSKI, #56906MO
Assistant United States Attorney